

REMARKS

This is in response to the Office Action mailed 11/28/2005. In the Office Action, claims 1-40 were cited as being subject to a restriction requirement. Reexamination and reconsideration of this case is respectfully requested in view of the amendments made herein and the following remarks.

Claim 33 has been amended. No claim has been canceled. Claims 41-43 have been added. Claims 1-43 remain at issue in the patent application. Of those remaining at issue, claims 1, 12, 23, and 33 are independent claims. Applicant believes that no new matter has been added by this response.

I) Restriction Requirement

On page 2 of the Office Action, claims 1-40 were made subject to a restriction requirement under 35 USC 121. Claims 1-40 were restricted to the following three groups of claims:

- I. Claims 1-22, 39, and 40, drawn to apparatus, classified in class 324, subclass 763.
- II. Claims 23-32, drawn to method, classified in class 324, subclass 763.
- III. Claims 33-38, drawn to apparatus, classified in class 324, subclass 763.

In response, Applicant provisionally elects to go forward with claims 1-22, 39, and 40 of group I classified in class 324, subclass 763 and respectfully traverses the restriction requirement for the following reasons.

On page 2, the Office Action states "Inventions I and III in a first set and II in a second set are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be

practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the apparatus, as disclosed in claim 1, can be used in a materially different process of using such as a method not requiring the use of a ring oscillator.”

Applicant would like to point out to the Examiner that independent claim 1 of Invention I recites “reliability oscillators” and that new dependent claim 41 depending there-from clarifies that “each of the reliability oscillators includes a ring oscillator”. Independent claim 33 of Invention III also recites “reliability oscillators” and that new dependent claim 42 depending there-from clarifies that “each of the reliability oscillators includes a ring oscillator”.

Additionally as described in Applicant’s specification for example, “[t]he reliability oscillator 400 includes an odd number of inverters connected in series to provide a ring oscillator.” [Specification, Page 12, lines 4-6].

Regarding independent claim 12 of Invention I, Applicant’s claimed invention includes a “selectively powered on ring oscillator” and a “constantly powered ring oscillator”.

Applicant respectfully requests reconsideration of the distinctness between Inventions I and III in the first set and Invention II in the second set and the requirement for separate examination of each set.

On pages 2-3, the Office Action states “Inventions I and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination can be practiced without an execution unit to execute instructions. The subcombination has separate utility not requiring functional blocks.

Applicant has amended independent claim 33 to more broadly recite “one or more functional blocks” and moving “execution unit to execute instructions” into dependent claim 43.

Independent claims 1, 12, and 33 each now recite “one or more functional blocks to perform one or more functions”.

Applicant respectfully submits that the reason for separate examination of claims in Invention I from claims in Invention III is now moot.

For the foregoing reasons, Applicant respectfully request reconsideration of the restriction requirement.

II) Claim Amendments

Applicant has amended claim 33.

As discussed previously, Applicant has amended claim 33 to make the restriction requirement moot.

As claims 1-40 have yet to be substantively examined, Applicant respectfully submits that these claim amendments have not been made for reasons related to patentability.

III) New Claims

As previously discussed, Applicant has added dependent claims 41-43. Applicant respectfully submits that these claims can also be examined with claims 1-40 for the reasons provided above.

CONCLUSION

A first examination as to the merits of claims 1-43 is respectfully requested. Allowance of the claims at an early date is solicited.

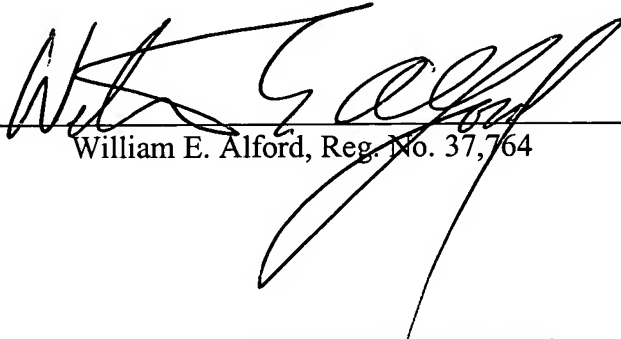
The Examiner is invited to contact Applicant's undersigned counsel by telephone at (714) 557-3800 to expedite the prosecution of this case should there be any unresolved matters remaining. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Dated: December 28, 2005

By



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CERTIFICATE OF MAILING

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on: December 28, 2005.


Colette Angle

12/28/2005
Date